



7020-02

INTERNATIONAL TRADE COMMISSION

Certain Subsea Telecommunication Systems and Components Thereof

Investigation No. 337-TA-1098

Commission Determination Not to Review an Initial Determination Amending the Complaint and Notice of Investigation to Add Nokia of America Corporation as a Respondent

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined not to review an initial determination (“ID”) (Order No. 30) of the presiding administrative law judge (“ALJ”) amending the complaint and notice of investigation to add Nokia of America Corporation as a respondent in the investigation.

FOR FURTHER INFORMATION CONTACT: Amanda Pitcher Fisherow, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone (202) 205-2737. Copies of non-confidential documents filed in connection with this investigation are or will be available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone (202) 205-2000. General information concerning the Commission may also be obtained by accessing its Internet server at <http://www.usitc.gov>. The public record for this investigation may be viewed on the Commission’s electronic docket (EDIS) at <http://edis.usitc.gov>. Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission’s TDD terminal on (202) 205-1810.

SUPPLEMENTARY INFORMATION: The Commission instituted this investigation on January 26, 2018, based on a complaint, as supplemented, filed on behalf of Neptune Subsea Acquisitions Ltd. of the United Kingdom; Neptune Subsea IP Ltd. of the United Kingdom; and Xtera, Inc. of Allen, Texas (collectively, “complainants”). 83 FR 3770 (Jan. 26, 2018). The complaint, as supplemented, alleges violations of Section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337 (“section 337”), based upon the importation into the United States, the sale for importation, and the sale within the United States after importation of certain subsea telecommunication systems and components thereof by reason of infringement of one or more claims of U.S. Patent No. 8,380,068; U.S. Patent No. 7,860,403; U.S. Patent No. 8,971,171; U.S. Patent No. 8,351,798; and U.S. Patent No. 8,406,637. The complaint further alleges that an industry in the United States exists as required by section 337. The notice of investigation, as originally filed, named Nokia Corporation of Espoo, Finland; Nokia Solutions and Networks B.V. of Hoofddorp, The Netherlands; Nokia Solutions and Networks Oy of Espoo, Finland; Alcatel-Lucent Submarine Networks SAS of Boulogne-Billancourt, France; Nokia Solutions and Networks US LLC of Phoenix, Arizona; NEC Corporation of Tokyo, Japan; NEC Networks & System Integration Corporation of Tokyo, Japan; and NEC Corporation of America of Irving, Texas as respondents. The Office of Unfair Import Investigations was named as a party in this investigation.

On March 19, 2018, the ALJ issued an ID (Order No. 9) to correct the name of respondent Alcatel-Lucent Submarine Networks SAS to Alcatel Submarine Networks and terminate then respondents Nokia Solutions and Networks B.V., Nokia Solutions and Networks Oy, and Nokia Solutions and Networks US LLC from the investigation. The Commission

determined not to review this ID. Notice (April 17, 2018).

On July 10, 2018, the ALJ issued an ID (Order No. 21) to reflect the corporate name change of complainant Neptune Subsea Acquisitions Ltd. to Xtera Topco Ltd. The Commission determined not to review this ID. Notice (July 27, 2018).

On August 27, 2018, the ALJ issued the subject ID amending the complaint and notice of investigation to add Nokia of America Corporation as a respondent in the investigation. No petitions for review were filed.

The Commission has determined not to review the ID. Nokia of America Corporation, of 600 Mountain Avenue, New Providence, New Jersey 07974-2008, is now a respondent in the investigation.

The authority for the Commission's determination is contained in section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and in Part 210 of the Commission's Rules of Practice and Procedure (19 CFR Part 210).

By order of the Commission.

Lisa Barton
Secretary to the Commission

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